UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

BRAIN JOHNSTON & NILE CHARLES

CASE NO:

Plaintiff,

11-CV-3321

-against-

DEFENDANT'S RULE 7.1

APPLE INC. & OMNISCIENT INVESTIGATION:

CORP.,

STATEMENT

Defendants,

Pursuant to Federal Rule of Civil Procedure 7.1 and to enable District Judges and Magistrate Judges of the Court to evaluate possible disqualification or recusal, the undersigned counsel for defendant, OMNISCIENT INVESTIGATION CORP., certifies that there are no corporate parents, affiliates and/or subsidiaries of said parties, which are publicly held.

Dated: New York, New York June 23, 2011

LEWIS JOHS AVALLONE AVILES, LLP

Attorneys for Defendant

OMNISCIENT INVESTIGATION CORP.

61 Broadway, Suite 2000

New York, New York 10006

212.233.7195

By: David L. Metzger

DM3890

TO: DEREK T. SMITH LAW GROUP, P.C. Attorneys for Plaintiff 30 Broad Street, 35th Floor New York, New York 10004 212.587.0760

SCHIFF HARDIN, LLP Attorneys for Defendant APPLE INC. 666 Fifth Avenue, 17th Floor New York, New York 10103 212.753.5000